



October 20, 1999

Mr. Monty Wade Sullivan
Assistant City Attorney
City of Houston
P.O. Box 1562
Houston, Texas 77251-1562

OR99-2965

Dear Mr. Sullivan:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 130153.

The City of Houston police department (the "department") received a request for records pertaining to an investigation of sexual assault. You seek to withhold the requested information under section 552.108 of the Government Code and under section 58.007 of the Family Code. Chapter 58 of the Family Code applies to records pertaining to juvenile offenders; therefore, it is not applicable here.

We believe that the requested information is confidential in its entirety under section 552.101 of the Government Code in conjunction with section 261.201 of the Family Code. Section 552.101 requires withholding, *inter alia*, information made confidential by statute. Section 261.201 of the Family Code provides in pertinent part:

(a) The following information is confidential, is not subject to public release under Chapter 552, Government Code, and may be disclosed only for purposes consistent with this code and applicable federal or state law or under rules adopted by an investigating agency:

(1) a report of alleged or suspected abuse or neglect made under this chapter and the identity of the person making the report; and

(2) except as otherwise provided in this section, the files, reports, records, communications, audiotapes, videotapes, and working papers used or developed in an investigation under this chapter or in providing services as a result of an investigation.

Since the report and records at issue consist of a report of alleged or suspected abuse made under chapter 261, and there appear to be no applicable exceptions here to their confidentiality, you must withhold the information in its entirety pursuant to section 261.201.

Because section 261.201 of the Family Code is dispositive, we do not address your section 552.108 claim. We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,

A handwritten signature in black ink, appearing to read "Patricia Michels Anderson", with a stylized, flowing script.

Patricia Michels Anderson
Assistant Attorney General
Open Records Division

PMA\ljp

Ref: ID# 130153

Encl. Submitted documents

cc: Mr. Salvador Colón
3213 Houston Avenue
Houston, Texas 77009
(w/o enclosures)